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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON AT RICHLAND

JOHN DOE 1; JOHN DOE 2; JANE  
DOE 1; JANE DOE 2; JANE DOE 3;  
and all persons similarly situated,

Plaintiffs,

v.

WASHINGTON STATE  
DEPARTMENT OF CORRECTIONS;  
STEPHEN SINCLAIR, Secretary of The  
Department of Corrections, in his official  
capacity,

Defendants,

and

BONNEVILLE INTERNATIONAL,  
INC. a Utah Corporation, d.b.a KIRO  
Radio 97.3 FM; THE MCCLATCHY  
COMPANY, LLC, a California Limited  
Liability Company, d.b.a. The Tacoma  
News Tribune; and ANDREA KELLY,  
an individual,

Interested Parties.

No. 4:21-cv-05059-TOR

*EXPEDITED* UNOPPOSED MOTION  
FOR TEMPORARY RESTRAINING  
ORDER TO PRESERVE THE  
STATUS QUO

April 8, 2021  
Without Oral Argument

1 Come now Plaintiffs, by and through their counsel of record, and  
2 respectfully move this Court for a Temporary Restraining Order preventing  
3 disclosure of requested records during the briefing and consideration of the  
4 contemporaneously filed Motion for Preliminary Injunction.

5 Plaintiffs' counsel has contacted the Assistant Attorney General representing  
6 the Defendants in this matter to seek their agreement not to disclose records while  
7 the Motion for Preliminary Injunction is pending, and in order to allow this Court  
8 to consider this motion on a 30-day briefing schedule. Defense counsel has stated  
9 that while Defendants do not *stipulate* to a temporary restraining order, she has  
10 represented that the Defendants *do not oppose* a temporary restraining order  
11 preserving the status quo during the briefing and consideration of the motion for  
12 preliminary injunction. Because the Defendants will not agree to withhold records  
13 during the pendency of this motion absent a court order enjoining them from doing  
14 so, this Motion for Temporary Restraining Order is necessary.

15 The same standards that govern a Preliminary Injunction govern a motion  
16 for Temporary Restraining Order. Plaintiffs are entitled to preliminary injunctive  
17 relief on their constitutional claims if they can establish (1) a likelihood of success  
18 on the merits; and (2) that irreparable harm will ensue if temporary relief is not  
19 granted. The Court should also consider whether Plaintiffs have an adequate  
20 remedy at law, and whether the balance of the equities tips in their favor. For the  
21 same reasons set forth in their Motion for Preliminary Injunction, which is  
22 incorporated here fully by reference, Plaintiffs meet this standard.  
23

1 Plaintiffs have shown a substantial likelihood of prevailing on the merits of  
2 their constitutional claims. As for irreparable harm, if released during the pendency  
3 of the Motion for Preliminary Injunction will be rendered moot. Once records have  
4 been released, there would be no turning back, and Plaintiffs' safety and lives  
5 would be placed in great peril. Plaintiffs simply have *no* remedy at law if these  
6 records are released, and the balance of the equities tips sharply in their favor.  
7 Plaintiffs face irreparable and substantial harm in the absence of an injunction. By  
8 contrast, DOC will not be prejudiced in any way by entry of a preliminary  
9 injunction. Indeed, the public interest is served by keeping the requested records  
10 confidential as they were intended to be, not by their disclosure. And, any public  
11 interest in disclosure is vastly outweighed here by the irreparable harm Plaintiffs  
12 face.

13 It is for these reasons that the Court should issue a brief Temporary  
14 Restraining Order preventing the release of any records requested that are at issue  
15 in this litigation. This will afford the parties (and interested parties, if they desire to  
16 participate) to fully brief the issues, and will allow this Court to thoughtfully  
17 consider the case before issuing its preliminary ruling.

<p>MacDonald Hoague &amp; Bayless</p> <p>By: <u>s/ Joe Shaeffer</u>  Joe Shaeffer, WSBA #33273  <a href="mailto:joe@mhb.com">joe@mhb.com</a>  Attorneys for Plaintiffs  On behalf of The American Civil Liberties Union of Washington Foundation  705 Second Avenue, Suite 1500  Seattle, WA 98104  Tel: 206.622.1604  Fax: 206.343.3961</p>	<p>Munger, Tolles &amp; Olson LLP</p> <p>By: <i>Seeking Pro Hac Vice Admission</i>  Katherine M. Forster, CA Bar #217609  <a href="mailto:Katherine.Forster@mto.com">Katherine.Forster@mto.com</a>  Attorneys for Plaintiffs  350 South Grand Avenue, 50<sup>th</sup> Floor  Los Angeles, CA 90071  Tel: 213.683.9538  Fax: 213.593.2838</p>
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